

ORIGINAL
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

Before the
Federal Communications Commission
Washington, D.C. 20554
JUN 15 4 20 PM '93

MM Docket No. 93-156
DISPATCHED BY

In re Applications of

TRINITY CHRISTIAN CENTER OF
SANTA ANA, INC., d/b/a TRINITY
BROADCASTING NETWORK
File No. BRCT-911129KR

For Renewal of License of Station.
WHSG(TV), Monroe, Georgia

and

GLENDALE BROADCASTING COMPANY
File No. BPCT-920228KE

For Construction Permit
Monroe, Georgia

HEARING DESIGNATION ORDER

Adopted: May 26, 1993;

Released: June 14, 1993

By the Chief, Video Services Division:

1. The Commission, by the Chief, Video Service Division, acting pursuant to delegated authority, has before it the above-captioned application for the renewal of license of station WHSG(TV), filed by Trinity Christian Center of Santa Ana, Inc., d/b/a Trinity Broadcasting Network, (Trinity) and the mutually exclusive application of Glendale Broadcasting Company (Glendale) for a new commercial television station to operate on Channel 63, Monroe, Georgia.¹

¹ The issues raised by Glendale in its petition to deny the license renewal application of Trinity have been considered by the Commission and designated for hearing in connection with the license renewal application of Trinity Broadcasting of Florida, Inc., for Channel 45, Miami, Florida. See *Trinity Broadcasting of Florida, Inc.*, FCC 93-148, released April 7, 1993. Because the issues will be resolved in connection with the Miami renewal, they will not be specified or adjudicated in this proceeding. See *RKO General, Inc.*, 54 RR 2d 717 (1983). However, as the Commission stated when it designated the issues for hearing, if they are resolved against National Minority Television, Trinity Broadcasting Network or its affiliates, the Commission will determine what actions are appropriate in connection with the stations licensed to these other entities. Accordingly, any grant of Trinity's renewal application in the instant proceeding shall be subject to whatever action the Commission deems appropriate in light of the final resolution of issues a and b as

2. The transmitter site proposed by Glendale is 262.4 kilometers (km) from the reference point for Channel 63 allocated to Montgomery, Alabama, making Glendale's site short-spaced by 18.4 kms.² Accordingly, an issue will be specified to determine whether circumstances exist which would warrant a waiver of Section 73.610 of the Rules.

3. No determination has been reached that the tower height and location proposed by Glendale would not constitute a hazard to air navigation. Accordingly, an issue regarding this matter will be specified.

4. Except as indicated by the issues specified below, the applicants are qualified. Since the applications are mutually exclusive, the Commission is unable to make the statutory finding that their grant will serve the public interest, convenience, and necessity. Therefore, the applications must be designated for hearing in a consolidated proceeding on the issues specified below.

5. Accordingly, IT IS ORDERED, That pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications ARE DESIGNATED FOR HEARING IN A CONSOLIDATED PROCEEDING, to be held before an Administrative Law Judge at a time and place to be specified in a subsequent Order, upon the following issues.

1. To determine with respect to Glendale Broadcasting Company:

(a) if circumstances exist which would warrant a waiver of Section 73.610 of the Commission's Rules.

(b) whether there is a reasonable possibility that the tower height and location proposed would constitute a hazard to air navigation.

2. To determine which of the proposals would, on a comparative basis, better serve the public interest.

3. To determine in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

6. IT IS FURTHER ORDERED, That the Federal Aviation Administration IS MADE A PARTY RESPONDENT to this proceeding with respect to issue 1 (b).

specified in the *Hearing Designation Order* in the Miami proceeding, MM Docket No. 93-75. The Administrative Law Judge may proceed with all other aspects of the instant comparative renewal hearing.

² Glendale submitted an amendment to its application on March 5, 1993, after the date for filing amendments as a matter of right, March 9, 1992. Trinity filed on May 10, 1993, an objection to the amendment stating that Glendale had not shown good cause for filing the amendment. However, we note that the amendment was filed by Glendale changing its tower site in order to address objections from the Federal Aviation Administration (FAA) to its original site. We believe that Glendale's efforts to be cooperative and comply with the air hazards concerns of the FAA is good cause for acceptance of the amendment. Accordingly, the amendment will be accepted with no comparative advantage occurring to Glendale.

7. IT IS FURTHER ORDERED, That Glendale Broadcasting Company's March 5, 1993 amendment IS ACCEPTED, for good cause demonstrated with no comparative advantage accruing to Glendale.

8. IT IS FURTHER ORDERED, That a copy of each document filed in this proceeding subsequent to the date of adoption of this Order shall be served on the counsel of record in the Hearing Branch appearing on behalf of the Chief, Mass Media Bureau. Parties may inquire as to the identity of the counsel of record by calling the Hearing Branch at (202) 632-6402. Such service shall be addressed to the named counsel of record, Hearing Branch, Enforcement Division, Mass Media Bureau, Federal Communications Commission, 2025 M Street N.W., Suite 7212, Washington, D.C. 20554. Additionally, a copy of each amendment filed in this proceeding subsequent to the date of adoption of this Order shall also be served on the Chief, Video Services Division, Mass Media Bureau, Federal Communications Commission, Room 700, 1919 M Street, N.W., Washington, D.C. 20554.

9. IT IS FURTHER ORDERED, That to avail themselves of the opportunity to be heard, the applicants and any party respondent herein shall, pursuant to Section 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

10. IT IS FURTHER ORDERED, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and Section 73.3594 of the Commission's Rules, give notice of the hearing within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by Section 73.3594(g) of the Rules.

FEDERAL COMMUNICATIONS COMMISSION

Barbara A. Kreisman, Chief
Video Services Division
Mass Media Bureau